

Because Knowledge is Power:

Stalking and Harassment in the Digital Age

HONORABLE DAVID TAPP, CIRCUIT JUDGE | 28TH JUDICIAL CIRCUIT AND BRANDON DAULTON, J.D., STAFF ATTORNEY

While state and local law enforcement efforts to identify, collect, and use digital evidence are rapidly increasing, one of the most prevalent offenses involving the Internet and digital devices is routinely not reported to police and rarely results in prosecution. As a recent report to Congress noted, some law enforcement agencies are not fully aware of the extent of cyberstalking and “lack the expertise and resources to identify and pursue cyberstalking cases.”

THE PROBLEM

Generally, cyberstalking is understood to be the use of the Internet or digital devices to persistently harass and annoy another. Cyberstalkers use modern technology to gain or maintain power and control over another. Cyberstalking is typically manifested by repeated and unsolicited email, voicemail and text messages, interception of the victim's digital data, surveillance of the victim's whereabouts and interactions with third persons, and impersonation and embarrassment of the victim.

Stalking behavior itself, of course, is nothing new. Poetry, books, films and songs have chronicled or even romanticized obsessive behavior between would be or former intimate partners. All states currently prohibit a course of conduct, which is intended to harass or threaten another. Law enforcement is certainly familiar with the rather commonplace issue of traditional off-line stalking.

Recent Department of Justice Research indicates that an estimated 14 in every 1,000 persons age 18 and older are victims of stalking. Of those, 11 percent reported

I'm your worst nightmare. Your troubles are just beginning.....